

## REMARKS

### Summary of Current Amendments

Claim 32 was amended and Claims 43-48 were canceled without prejudice. Claims 49-52 were canceled in a previous amendment. Claims 2-7, 22-25, and 58-63 were withdrawn from consideration by the Examiner. Therefore, Claims 1, 8-21, 26-42, 53-57, and 64-72 are currently under Examination.

Claim 32 was amended to recite that the NF- $\kappa$ B inhibitor is an olefin having at least two electron-withdrawing groups. Support for this amendment can be found in, *inter alia*, Claim 31.

No new matter has been added by these amendments; therefore, Examination is requested on the claims as amended herewith.

### Detailed Explanation of Claim Amendments

In the previous Restriction Requirement, the Examiner restricted the claims and required an election of one of following seven groups.

Group I, Claims 1, 8-21, 26-57, and 64-72;

Group II, Claims 2 and 22;

Group III, Claims 3 and 23;

Group IV, Claims 4-6 and 24;

Group V, Claims 7 and 25;

Group VI, Claims 58-60; and

Group VII, Claims 61-63.

Applicant filed a Response on May 16, 2007, and elected Group I, Claims 1, 8-21, 26-57, and 64-72.

In the Amendment presented herein, Claims 43-48, which was part of elected Group I, were canceled without prejudice.

### Response to Current Restriction Requirement

In the Office Action Summary of the Restriction Requirement mailed August 14, 2007, Claims 1, 8-21, 26-57, and 64-72 (*i.e.*, Group I) were subject to a further election.<sup>1</sup> Specifically,

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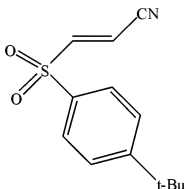
<sup>1</sup> Applicant notes that on page 2 of the Restriction Requirement, the Examiner incorrectly listed the elected claims as "claims 1, 18-21, 26-27." As noted, the elected group was in fact Claims 1, 8-21, 26-57, and 64-72.

the Examiner stated that “applicant is required to define one molecular structure for the NF- $\kappa$ b inhibitor” (Page 3 of the Restriction Requirement; underline in original).

The Examiner is reminded that Applicant’s previous Response included an election of species for the NF- $\kappa$ b inhibitor. See page 2 of the previous Response where it states:

“Therefore, Applicants elect the following species with traverse:  
colon cancer and BAY 11-7082. Claims 1, 8-18, 20, 21, 26-32,  
34-41, and 53 read on the elected species.”

Since this election was not acknowledged by the Examiner, Applicant takes this opportunity to elect a different species of the NF- $\kappa$ b inhibitor, namely, BAY 11-7085. This compound has the structure



The specific structure of BAY 11-7085 is also recited in Claim 42 (*see also* paragraph 0082 of the specification). So to avoid all doubt, Applicant elects without traverse the NF- $\kappa$ b inhibitor BAY 11-7085 for prosecution. Due to the amendment herein, Claims 1, 8-21, 26-40, 42, 53-57, and 64-72 now read on this elected species.

Since Applicant also elected the species “colon cancer” in the previous amendment, Claims 1, 8-18, 19-21, 26-42, 53-57, 64-72 read on this elected species.

Finally, the Examiner stated that Claims 32-38, 43, 44, and 47 are generic. This seems to be in error, or at least incomplete. Claims 1, 8-18, 19-21, 26-40, 42, 53-57, 64-72 read on both of the elected species (*i.e.*, the NF- $\kappa$ b inhibitor and the type of cancer).

CONCLUSION

Applicant elects Group I and the species colon cancer and BAY 11-7085, without traverse.

Included herewith is a Request for a Four-Month Extension of Time. Also, included herewith is payment in the amount of \$820.00 for the Four-Month Extension of Time Fee. This payment is to be charged to a credit card and is being submitted via EFS Web. No additional fees are believed to be due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment in fees to Deposit Account No. 14-0629.

Respectfully submitted,  
NEEDLE & ROSENBERG, P.C.

/Christopher L. Curfman/

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CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence – including any items indicated as attached, enclosed, or included – is being transmitted by EFS-WEB on the date indicated below.

/Christopher L. Curfman/

January 10, 2008

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Christopher L. Curfman

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Date